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HIGH COURT OF CHHATTISGARH AT BILASPUR

Second Appeal No.19/2006

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellant
Plaintiff

Krishna Rao, son of Shri Dulwaji Rao, aged about 44 years, resident of Jodhapur Ward, Dhamtari, Tahsil and Distt. Dhamtari (CG)

Versus

Respondent
Defendant

Raj Kumar Nanda, son of Shri Nemnath Nanda, aged about 60 years, resident of Raj Kiraya Bhandar Near Bimal Talkies Road, Dhamtari (CG)

Second Appeal under Section 100 of the Code of Civil Procedure, 1908

Present:-

Shri A.N. Bhakta, counsel for the appellant.

ORAL ORDER.

(Passed on 26th April, 2007)

1. Learned counsel for the appellant seeks permission to withdraw this appeal with liberty to file a fresh suit if in the proceedings initiated by the appellant/plaintiff, under Section 129 of the Chhattisgarh Land Revenue Code it is found that the respondent/defendant is in possession of any part of the suit.
2. The appellant/plaintiff is at liberty to take recourse to such remedy as is available to him under law after the termination of demarcation proceedings undertaken by the appellant/plaintiff under Section 129 of Chhattisgarh Land Revenue Code. The appeal is accordingly dismissed as withdrawn. No order as to costs.

3. In view of the above, M.C.P. No.48/2006 which is an application under Order-39 Rule-1&2 of C.P.C, M.C.P. No.49/2006 which is an application under Order-39 Rule 3 of C.P.C., I.A. No.721/2007 which is an application under Order-1 Rule-10 read with Section 151 of C.P.C., I.A. No. 722/2007 for urgent hearing and I.A. No. 01/2007 which is an application for permission to formulate additional substantial questions of law stand disposed of.

Sd-/
Dilip Raosaheb Deshmukh
Judge

Priya